

<b>DRAFT RSET ISSUE PAPER #28 – Programmatic Consultation on SEF</b>
<b>POLICY SUBCOMMITTEE</b> , Stephanie Stirling, Chair. (stephanie.k.stirling@nws02.usace.army.mil); March 5, 2004
<b>QUESTION/ISSUE: Programmatic Consultation on SEF.</b> 1. Is a programmatic consultation appropriate for all or part of the revised DMEF manual? 2. Are the action agencies the whole of the Regional Dredging Team (i.e., all federal agencies) or just the Corp and EPA as leads? 3. If a programmatic consultation is to be done, how does it fit into the existing timeline for the SEF and any NEPA action that needs to occur? 4. What happens regarding ESA consultation and essential fish habitat consultations if a programmatic consultation is not pursued?
<b>DISCUSSION:</b> A programmatic consultation under the Endangered Species Act (ESA) allows the action agency to receive coverage for incidental take of ESA-listed salmon and steelhead for routine actions with predictable effects. The use of a programmatic consultation can save time and resources because the expectations regarding what the action is required to do to meet ESA requirements are identified well in advance of future actions. Action and activities to be included as part of a programmatic consultation must clearly be non-jeopardy in nature. The biological opinion for a programmatic consultation includes an incidental take statement, re-initiation requirements, non-discretionary terms and conditions, and may include discretionary conservation recommendations.
<b>REFERENCES:</b> None
<b>RECOMMENDATION:</b> Review consultation procedures for EPA and the Corps; review SEF timeline; pursue programmatic approach and integrate with NEPA process.
<b>PROPOSED LANGUAGE CHANGES:</b> None
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